

February 12, 2003

Exemption No. 7975
Regulatory Docket No. FAA-2003-14422

Mr. David J.A. Hayes III
Chief Legal Officer
Trans States Airlines, Inc.
11495 Natural Bridge Road, Suite 340
Bridgeton, MO 63044

Dear Mr. Hayes:

By letter dated January 29, 2003, you petitioned the Federal Aviation Administration (FAA) on behalf of Trans States Airlines, Inc. (TSA), for an exemption from § 121.313(j)(1) of Title 14, Code of Federal Regulations (14 CFR). You request that in order to accommodate the exemption from § 121.313(j)(1), an extension of Special Federal Aviation Regulation (SFAR) 92 until November 9, 2003, be granted. The proposed exemption, if granted, would permit TSA to operate its fleet of BAE Systems Limited Jetstream 4100 aircraft after April 9, 2003, that do not meet the safety requirements set forth in 14 CFR § 25.795(a).

The FAA recently issued a denial of exemption in circumstances similar in all material respects to those presented in your petition. In Denial of Exemption No. 7970 (copy enclosed), the FAA found that a grant of exemption is not in the public interest and could adversely affect safety. The FAA stated that on September 11, 2001, the United States experienced terrorist attacks when aircraft were commandeered and used as weapons. The FAA also stated that these actions demonstrated the need to improve flightdeck security.

The FAA stated that on November 19, 2001, the U.S. Congress enacted Public Law No. 107-71, the Aviation and Transportation Security Act (the Act). The FAA noted that section 104(a)(1)(B) of the Act directs the Administrator to issue an order that requires strengthening of the flightdeck door and locks on any aircraft that operates in air transportation and that has a rigid door in the bulkhead between the flightdeck and passenger area. The FAA added that such strengthening would ensure that the flightdeck door cannot be forced open from the passenger compartment. The FAA stated that as required by the Act, it issued Amendment No. 121-288 on January 15, 2002. The FAA noted that this amendment revised § 121.313 to impose new flightdeck door requirements on existing aircraft required to have such doors.

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The FAA found that April 9, 2003, is a firm date. The FAA noted that this date has been known for a year and one-half and that security considerations overshadow the burden on

individual operators who have reasons to request an exemption. The FAA stated that Special Federal Aviation Regulation (SFAR) No. 92 provided short-term improvements to flightdeck door security, but the requirements of § 25.795(a) are superior to those of the SFAR. In addition, the FAA noted that the designs often incorporate significant airworthiness improvements.

The FAA stated that it has fully considered the difficulties and delays that have hindered the petitioner from bringing its aircraft into compliance with the rule. The FAA added that it is aware these delays could be beyond the petitioner's control. However, the FAA found that these problems are not the basis upon which to grant an exemption; safety and security require that these improvements be installed in each aircraft.

The FAA indicated that it has fully considered the reasons that necessitate the requirements of § 121.313(j)(1). The FAA found that the petitioner has failed to show how its proposed exemption would be in the public interest or would provide a level of safety equal to that provided by the rule.

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed denial of exemption. In addition, I have determined that the reasons stated by the FAA for denying the enclosed exemption also apply to the situation you present. Accordingly, I find that a grant of exemption would not be in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, the petition of Trans States Airlines, Inc., for an exemption from 14 CFR § 121.313(j)(1) is hereby denied.

Please note that in an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's online Docket Management System (DMS) at <http://dms.dot.gov>. This new docket system enables interested persons to submit requests to, view requests on, and download requests from the DMS to comply with 14 CFR § 11.63. Please submit future requests through the DMS.

Sincerely,

/s/

Louis C. Cusimano
Acting Director, Flight Standards Service

Enclosure